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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,083	09/22/2003	Timothy W. Olesiewicz	5681-69500	1281
35690	7590	08/15/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER DATSKOVSKIY, MICHAEL V	
			ART UNIT 2835	PAPER NUMBER

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,083	<b>Applicant(s)</b> OLESIEWICZ ET AL.	
	<b>Examiner</b> Michael V. Datskovskiy	<b>Art Unit</b> 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9,10,12-16,20,21 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,5-8,11,17-19 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/10/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 9-10, 12, 14-16, 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy.

Roy teaches a computer rack mounted system, Figs. 1-3, comprising: a housing 10 including a first portion 96 having a surface forming an outer front wall of said housing, wherein said first portion is rotatably attached by hinge 98 to remaining portion of said housing; a component 112 mounted on said first portion of said housing; a plurality of components 86 mounted in said remaining portion of said housing 10; wherein when said first portion of said housing is rotated into a closed position, said component 112 and said component 86 are positioned adjacent to each other; and when said first portion of said housing is rotated into an open position, said component 112 and said component 86 are moved away from each other to allow access to said component 86. Roy teaches furthermore said computer system further comprising a motherboard 42; and said housing 10 further includes a top surface including a removable cover 46. Roy also teaches said first portion of said housing rotating substantially ninety degrees from said open position to said closed position.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Chu.

Roy teaches all the limitations of the claims except said first portion of said housing when rotated to said closed position is secured to said remaining portion of said housing via a pair of fasteners (Roy teaches them secured by a lock 104). Chu teaches a computer system 20, Figs. 4-6, complying with limitations of the at least claim 1 of the instant application, wherein a first portion 23 of a housing when rotated to a closed position is secured to a remaining portion 21 of said housing via a pair of fasteners 30. It would have been obvious to one ordinary skilled in the art at the time invention was made to employ a pair of fasteners to secure the first housing portion to the second housing portion as it is shown by Chu in the device by Roy, as a matter of design choice, in order to simplify the structure.

***Allowable Subject Matter***

5. Claims 3, 5-8, 11, 17-19, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Said first portion of said housing includes a bezel including a removable air

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filter, wherein the bezel is rotatable hinged to said first portion of said housing (claim 3);

The assembly as recited in claims 4 and 16 further comprising an air duct mounted to

said remaining portion of said housing and positioned to enclose a portion of the

motherboard and to channel air across the motherboard (claims 5-8 and 17-19

respectively to claims 4 and 16); The assembly as recited in claim 10 and 21

respectively, wherein said removable panel includes a plurality of stowage pins

positioned on a bottom surface of said removable panel (claims 11 and 22 respectively

to claims 10 and 21).

7. The prior art made of record in the PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure. Each of them is being applicable for the rejection of the at least claim 1 of the instant application.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

08/12/2005